

together with the amount determined in accordance with the "ANSWER OF GARNISHEE"
by the following date on which a hearing is tentatively scheduled relative to this order of
garnishment:

Tues, 1-31-12 @ 9:00 am
Ct. Rm. 708, 100 E. 5th Street
Cinti, Ohio 45202

Deliver one completed and signed copy of this form to Butler County Electric, Inc., 3050 Minton Road, Hamilton, Ohio 45013 the Judgment Debtor, prior to that date. Keep the other completed and signed copy of this form for your files.

The total principal amount now due on this judgment is \$276,269.76.

You also are **ORDERED** to hold safely anything of value that belongs to the Judgment Debtor and that must be paid to the Court, as determined under the "ANSWER OF GARNISHEE" in section (B) of this form, but that is of such a nature that it cannot be so delivered, until further order of the Court.

Witness my hand and the seal of this court this 5th day of Jan., 2012


United States Magistrate Judge

ANSWER OF GARNISHEE

SECTION B. ANSWER OF GARNISHEE

Now comes Fifth Third Bank, the Garnishee, who says:

1. That the Garnishee has money, property, or credits, other than personal earnings, of the judgment debtors under the Garnishee's control and in the Garnishee's possession.

yes no If yes, amount: _____

2. That property is described as: _____

3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay the amount of line 1 to the clerk of this court.

4. If the answer to line 1 is "yes" and the amount is greater than that probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay that probable amount now due to the clerk of this court.

5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the clerk of the court, indicate that by placing an "X" in this space: ____

Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.

6. If the answer to line 1 is "no," sign and return this form to the clerk of this court.

I certify that the statements above are true.

Signature

Printed Name

Title

Date

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IBEW LOCAL NO. 648 PENSION FUND et. al, Plaintiffs, vs. BUTLER COUNTY ELECTRIC Defendant.	: : : : : : : : : : : :	CASE NO: 1:10-cv-467 JUDGE DLOTT MAGISTRATE JUDGE LITKOVITZ
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NOTICE TO THE JUDGMENT DEBTOR

You are hereby notified that this Court has issued an order in the above case in favor of IBEW Local No. 648 Pension Fund, IBEW Local No. 648 Health and Welfare Fund, IBEW Local No. 648 and IBEW Local No. 648 JATC Fund, the Judgment Creditors in this proceeding, directing that some of your money, property, or credits, other than personal earnings, now in the possession of Fifth Third Bank, 5050 Kingsley Drive, MD 1M0C2Q, Cincinnati, Ohio 45263, the Garnishee in this proceeding, be used to satisfy your debt to the Judgment Creditors. This Order was issued on the basis of the Judgment Creditors' judgment against you that was obtained on August 18, 2011, in the United States District Court for the Southern District of Ohio, Western Division at Dayton, in Case No. 1:10cv467.

Upon your receipt of this notice, you are prohibited from removing or attempting to remove the money, property, or credits until expressly permitted by the Court. Any violation of this prohibition subjects you to punishment for contempt of court.

The laws of Ohio and the United States provide that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed upon by a creditor are the following:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) Cash assistance payments under the Ohio works first program;
- (4) Benefits and services under the prevention, retention, and contingency program;
- (5) Disability financial assistance administered by the Ohio department of job and family services;
- (6) Social security benefits;
- (7) Supplemental security income (S.S.I.);
- (8) Veteran's benefits;
- (9) Black lung benefits;
- (10) Certain pensions.

There may be other benefits not included in the above list that apply in your case.

If you dispute the Judgment Creditors' right to garnish your property and believe that the Judgment Creditors should not be given your money, property, or credits, other than personal earnings, now in the possession of the Garnishee because they are exempt or if you feel that this Order is improper for any other reason, you may request a hearing before this Court by disputing the claim in the request for hearing form, appearing below, or in a substantially similar form, and delivering the request for hearing to this Court, at the office of the clerk of this Court no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the Judgment Creditors' right to garnish your property in the space provided on the form; however, you are not required to do so. If you do state your reasons for disputing the Judgment Creditors' right, you are not prohibited from stating any other reason at the hearing. If you do not state your reasons, it will not be held against you by the Court, and you can state your reasons at the hearing. **NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.** If you request a hearing, the hearing will be limited to a consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the Garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the Judgment Creditors.

If you request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, it will be conducted at the before Magistrate Judge

Karen L. Litkovitz at the time and place set forth below:

Tues, 1-31-12 @ 9:00 am

Ct. Rm. 708, 100 E. 5th Street

Cinti, OH 45202

You may request the Court to conduct the hearing before this date by indicating your request in the space provided on the form; the Court then will send you notice of any change in the date, time, or place of the hearing. If you do not request a hearing by delivering your request for a hearing no later than the end of the fifth business day after you receive this notice, some of your money, property, or credits, other than personal earnings, will be paid to the Judgment Creditors.

If you have any questions concerning this matter, you may contact the office of the clerk of this Court. If you want legal representation, you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association.

JAMES BONINI
Clerk of Court

s/a. hill, deputy clerk

1/5/12

Date